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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHNSON & JOHNSON	:	
HEALTH CARE SYSTEMS INC.,	:	Civil Action No. 22-2632(JKS)(CLW)
	:	
Plaintiff,	:	Hon. Jamel K. Semper, U.S.D.J.
	:	Hon. Cathy L. Waldor, U.S.M.J.
v.	:	Hon. Freda L. Wolfson, Special Master
	:	
SAVE ON SP, LLC, EXPRESS	:	ORDER GRANTING
SCRIPTS, INC., AND ACCREDO	:	MOTION TO SEAL
HEALTH GROUP, INC.,	:	
	:	
Defendants.	:	

THIS MATTER having been brought to the Court upon the motion of Plaintiff Johnson & Johnson Health Care Systems Inc. (“JJHCS”), by and through its attorneys, seeking an order (a) permanently maintaining under seal the letters

and supporting exhibits filed by the parties in connection with (i) the Motion by Defendant Save On SP, LLC (“SaveOnSP”) to Compel JJHCS to Produce Documents Regarding its CAP Program from its Vendor TrialCard, dated October 25, 2024, with related briefing and status letters dated October 7, October 10, November 4, and November 12, 2024 (ECF Nos. 410, 425, 433, 450 & 464), filed October 14, October 29, November 5, November 13, and December 10, 2024 (the “TrialCard Motion”); and (ii) SaveOnSP’s Motion to Compel JJHCS to Produce Financial Modeling, dated October 28, 2024 (ECF No. 426), filed October 29, 2024 (the “Financial Modeling Motion”); and (b) permitting JJHCS to file the proposed public versions of ECF Nos. 410, 425, 433, 450 & 464; and ECF No. 426, attached as Exhibits A, B and C, respectively, to the Declaration of Jeffrey J. Greenbaum submitted in support of this motion; and the Court having considered the motion, the Court makes the following findings of fact and conclusions of law, pursuant to L. Civ. R. 5.3(c)(6):

- (1) The Court finds that the TrialCard Motion and the Financial Modeling Motion (collectively, the “Confidential Materials”) contain material that is non-public business, trade secret or proprietary information relating to the administration and finances of the CarePath program, JJHCS’s deliberative process and internal decision-making, and confidential information related to JJHCS and its vendor TrialCard, Inc.

- (2) The Court further finds that the Confidential Materials contain JJHCS's highly sensitive, proprietary business information that is not known to the general public.
- (3) The Court further finds that JJHCS has safeguarded and protected the confidentiality of the Confidential Materials, including throughout the pendency of this action.
- (4) The Court further finds that JJHCS would suffer substantial and specific harm, including potential financial damage and disclosure of competitive business information through the divulgence of such confidential information and that JJHCS has a strong and legitimate interest in protecting this confidential information from being disclosed to the public. *See Goldenberg v. Indel, Inc.*, No. 09-5202 (JBS/AMD), 2012 U.S. Dist. LEXIS 479, at *8 (D.N.J. Jan. 3, 2012) ("Courts have recognized that the confidentiality of business agreements, trade secrets or commercial information are a legitimate private interest and the disclosure of this information can be used for the improper purpose of causing harm to the litigant's competitive standing in the marketplace."); *Bracco Diagnostics, Inc. v. Amersham Health, Inc.*, Civil Action No. 03-6025 (FLW), 2007 U.S. Dist. LEXIS 51828, at *27-28 (D.N.J. July 18, 2007) (granting motion to seal where release of confidential commercial

information to the public would cause “clearly defined and serious injury” resulting in a party’s “competitive disadvantage”).

(5) The Court further finds that no less restrictive alternative to sealing exists and that JJHCS has proposed redactions where appropriate to minimize the amount of sealing necessary.

For these reasons, good cause exists for protecting the JJHCS Confidential Materials pursuant to Fed. R. Civ. P. 26(c)(1)(G) and L. Civ. R. 5.3(c)(2).

IT IS ON THIS _____ day of _____, 2024;

ORDERED, that pursuant to L. Civ. R. 5.3, the Confidential Materials are confidential and entitled to protection; and it is further

ORDERED that the motion to seal is GRANTED and the TrialCard Motion and the Financial Modeling Motion are hereby permanently SEALED; and it is further

ORDERED that the Clerk of Court shall maintain the unredacted versions of ECF Nos. 410, 425, 433, 450, 464 and ECF No. 426 under seal; and it is further

ORDERED that JJHCS is directed to file the redacted versions of the TrialCard Motion and the Financial Modeling Motion, including all exhibits, consistent with their proposed redactions submitted herewith.

HON. FREDA L. WOLFSON (ret.)
SPECIAL MASTER